

MIDLOTHIAN COUNCIL

2009-10 Statistics Tables – Explanatory Notes and Commentary

Tables:

Attached are summary details of the complaints that the SPSO received and determined about your Council in 2009-10. Table 1 details the number of complaints (by our subject categories) received for your Council for 2008-09 and 2009-10, alongside the total of local authority complaints for these years. In previous years we have used this table to show the total of all contacts (enquiry calls and complaints) that we received about your council. This year we have not included enquiry calls, as feedback has shown that it is more meaningful for you if we concentrate on the actual complaints received. We recorded 28 complaints about the Council, compared to 29 in the previous year.

Table 2 shows the outcomes of complaints determined about your Council by the SPSO in 2009-10. Received and determined numbers do not normally tally exactly, as figures tend to include cases carried forward from the previous year.

Graph of prematurity rates: The anonymised graph shows, for each Council, the percentage of complaints that we received and determined as premature, against the national average in 2009-10 (55%). This represents a decrease on the 2008-9 average of 60%, which is to be welcomed. Figures have been rounded up or down to the nearest whole percentage.

We consider a complaint to be premature when it reaches us before the complainant has been through the full complaints process of your organisation. The graph does not reflect the number of premature complaints that we received about your Council, but shows how your Council, proportionately, compares against the average for Scottish local authorities. Your Council is number 12 on the graph, above the average. You will see from Table 2 that the actual number of premature complaints for your Council was 17 out of a total of 29 complaints determined (59% of the total for your Council). The previous year's figure was 15 out of 25 (60% of the total for your Council). The proportion of premature complaints has therefore reduced slightly against a slightly increased number of complaints determined, although it still represents a fairly high level of premature complaints received about your Council.

NB We do not adjust our figures to mitigate the impact of housing stock transfer. It is evident, however, that there is a tendency for authorities that retain housing stock to receive more complaints and to fall higher within the prematurity graph than those that have undertaken stock transfer. This is to be expected, given that housing complaints are usually the largest category of complaint and that there is a disproportionately high incidence of prematurity in housing complaints.

Reported Complaints and Recommendations

We investigated and reported on one complaint about your Council in 2009-10, which we did not uphold. Attached is a summary sheet showing this complaint, and summarising recommendations made. You will be aware that SPSO complaints reviewers follow up to find out what changes have been made as a result of recommendations.

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We hope that you find this summary information useful. If you have any enquiries about the statistics provided, please contact Annie White, SPSO Casework Knowledge Manager, on 0131 240 8843 or by emailing awhite@sps.org.uk. Statistical reports are available on the SPSO website at: <http://www.sps.org.uk/statistics/index.php>.

Table 1

Complaints Received by Subject		Midlothian Council	Complaints as % of total	Sector Total	Complaints as % of total
2008-09	Building Control	0	0%	27	2%
	Consumer protection	0	0%	5	0%
	Economic development	0	0%	4	0%
	Education	2	7%	89	6%
	Environmental Health & Cleansing	0	0%	69	4%
	Finance	2	7%	148	9%
	Fire & Police Boards	0	0%	1	0%
	Housing	7	24%	459	29%
	Land & Property	1	3%	32	2%
	Legal & admin	1	3%	79	5%
	National Park Authorities	0	0%	5	0%
	Other	1	3%	9	1%
	Personnel	0	0%	22	1%
	Planning	9	31%	269	17%
	Recreation & Leisure	3	10%	44	3%
	Roads & Transport	2	7%	87	5%
	Social Work	1	3%	188	12%
	Valuation Joint Boards	0	0%	24	1%
	Out of Jurisdiction or Subject Unknown	0	0%	43	3%
	Total	29		1,604	
2009-10	Building Control	0	0%	36	2%
	Consumer protection	0	0%	10	1%
	Economic development	1	4%	2	0%
	Education	0	0%	94	5%
	Environmental Health & Cleansing	2	7%	71	4%
	Finance	2	7%	143	8%
	Fire & Police Boards	0	0%	3	0%
	Housing	5	18%	432	25%
	Land & Property	2	7%	33	2%
	Legal & admin	0	0%	90	5%
	National Park Authorities	0	0%	8	0%
	Other	1	4%	11	1%
	Personnel	0	0%	24	1%
	Planning	8	29%	264	15%
	Recreation & Leisure	1	4%	73	4%
	Roads & Transport	1	4%	94	5%
	Social Work	1	4%	199	11%
	Valuation Joint Boards	0	0%	19	1%
	Subject Unknown or Out Of Jurisdiction	4	14%	128	7%
	Total	28		1,734	

Table 2

Complaints Determined By Outcome			Midlothian Council	
			Sector Total	
2008/09	Assessment	Premature	15	923
		Out of Jurisdiction	2	102
		Discontinued before Investigation	5	170
	Examination	Determined after detailed consideration	2	279
	Investigation	Report issued: complaint not upheld	0	25
		Report issued: complaint partially upheld	0	22
		Report issued: complaint fully upheld	1	15
		Discontinued during Investigation	0	10
		Total	25	1,549
	2009/10	Assessment	Premature	17
Out of Jurisdiction			1	118
Discontinued before Investigation			2	194
Other			1	17
Examination		Determined after detailed consideration	7	409
Investigation		Report issued: complaint not upheld	1	13
		Report issued: complaint partially upheld	0	25
		Report issued: complaint fully upheld	0	12
		Discontinued during Investigation	0	6
		Total	29	1,837

Midlothian Council

Published	Case Ref.	Summary	Overall Report Decision	Recommendation(s)
22/07/2009	200702527	(a) the Council failed to take steps to recover the debt until it was highlighted in an employee initiative scheme (not upheld); (b) the Council was unable to provide contemporaneous evidence of the outstanding debt (not upheld); (c) the Council pursued the debt in an unreasonable manner (not upheld); and (d) the Council's arrestment procedure commenced before the complaints procedure was fully exhausted (not upheld).	not upheld	notifies complainants that action in relation to the arrestment of wages for the recovery of debt may continue during the handling of the complaint; to avoid the risk of misunderstandings in future cases. The Council have accepted the recommendation and will act on it accordingly.